

1 Honorable Timothy W. Dore
2 Hearing date: August 22, 2014; 9:30 a.m.
3 Hearing Place: Room 8106, 700 Stewart Street, Seattle, WA 98101
4 Responses due by: August 15, 2014; by 4:30 p.m.

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9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE
10 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

11 In re:) Chapter 7
12 KELLEE R. THOMPSON,) Bankruptcy No. 14-10679
13 Debtor(s).) NOTICE OF MOTION FOR SALE OF
14) REAL PROPERTY OF THE ESTATE
15) FREE AND CLEAR OF LIENS AND
16) ENCUMBRANCES

17 TO: Kellee Thompson, and her attorney of record, creditors, and parties of interest.

18 PLEASE TAKE NOTICE that the Motion for Sale of Real Property of the Estate Free and
19 Clear of Liens and Encumbrances will be heard on the 22nd day of August, 2014, at 9:30 a.m., at the
20 United States Courthouse, 700 Stewart Street, Seattle, Washington, in Room 8106, and the clerk is
21 requested to note the motion on the motion docket for that day.

22 YOU ARE FURTHER NOTIFIED that responses or objections must be made in writing and
23 the original filed with the Bankruptcy Court at the United States Courthouse, Room 6301, 700
24 Stewart Street, Seattle, Washington 98101. Copies must be served upon the United States Trustee's
25 Office at the United States Courthouse, Room 5103, 700 Stewart Street, Seattle, Washington 98101,
the above-named Judge and the undersigned attorney on or before August 15, 2014. Failure to
comply with the local rule may be deemed by the court as opposition without merit. If responsive
pleadings are not filed as stated above, the hearing may be stricken and an order granting the relief
requested in the motion may be presented *ex parte*.

26 The trustee, Nancy James, has filed a motion for sale of real property as follows:

27 Street address of) 12928 - 64th Avenue S.E.
28 property to be sold: Snohomish, WA 98296
29 Legal description of) Lot 131, Snohomish Cascade Sector 3 - Phase 2,
30 property to be sold: Recording No. 9802115003, Snohomish County,
31 Washington
32 Parcel No.: 008772-000-131-00
33 Sale price: \$240,000.00, or such higher price as the parties agree
34 to in order to close the short sale
35 Terms of sale: Cash at Closing
36 Purchaser: IH4 Property Washington, LP, and/or assigns
37 Purchaser's address: 16400 S.E. 30th Place, Suite 100
38 Bellevue, WA 98007

**NOTICE OF MOTION FOR SALE OF
REAL PROPERTY OF THE ESTATE
FREE AND CLEAR OF LIENS AND
ENCUMBRANCES - 140728cNot Page 1**

THE RIGBY LAW FIRM
600 Stewart Street, Suite 1908
Seattle, WA 98101
(206) 441-0826

1 Costs of sale:

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6 The estate will pay the real estate agent a commission
7 of 6% of the gross sales price or such lesser amount
8 as the agents shall agree to; and, the estate will pay
9 those costs of sale customarily paid by the Seller in
10 Western Washington. These costs would include, but
11 are not limited to, title insurance, real estate taxes due
12 through the date of sale and one-half of the escrow
13 costs.

14 Utility Liens

15 In many cases the existence of a utility lien and/or the
16 amount of the lien is unknown until closing or
17 thereafter. These liens usually, but not always, are
18 equal to the utilities bills incurred over several
19 months. These liens will be addressed at closing.

20 Encumbrances & approximate claim amounts:

21 (1) Ocwen Loan Servicing, as servicer for or successor to IndyMac Bank, FSB, deed of
22 trust - \$263,000; and
23 (2) Citimortgge, Inc., as servicers for or successor to IndyMac Bank, FSB, deed of trust -
24 \$33,000.

25 Said sale will be free and clear of all liens and interests, said liens and interests to attach to
the proceeds of the sale as though those proceeds were the property, said liens and interests to be
satisfied from those proceeds. Notwithstanding the foregoing, the trustee requests the authority to
pay the above named secured creditors, in the order of their liens to the extent funds are available.

26 This is a short sale. The sale is subject to the approval of Ocwen Loan Servicing, its
27 servicers or agents ("Ocwen"). There will be insufficient funds to make a distribution to secured
28 creditors of a lower priority than Ocwen. The trustee will negotiate the terms of the short sale with
29 Ocwen; however, the terms of that sale are unknown at this time. The trustee will negotiate a
30 buyer's premium/carve out of at least \$20,000. Of that amount, at least one half shall be disbursed
31 to pre-petition unsecured creditors. If those creditors are paid in full, any remaining funds may be
32 available for administrative expenses. Should the buyer be unable to close the sale, or should the
33 trustee receive an offer she believes is better for the estate, the trustee reserves the right to, rather
34 than treating the funds to the estate as a buyer's premium, negotiate a carve out with the secured
35 creditor under Section 506(c) of the Bankruptcy Code.

36 The trustee believes and therefore alleges that the purchaser is a good faith purchaser for
37 value.

38 DATED this 28th day of July, 2014.

39 THE RIGBY LAW FIRM

40 /S/ *Rory C. Livesey*

41 _____
42 Rory C. Livesey, WSBA #17601
43 Of Attorneys for Trustee

**NOTICE OF MOTION FOR SALE OF
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